

Application No. 09/608,135
Amendment dated September 26, 2005
Reply to Final Office Action dated May 26, 2005
Express Mail EV723448119US

Remarks/Arguments

The Office Action dated May 26, 2005, has been noted and its contents carefully studied. It is noted that the time for response has been extended by separate petition for one month, to September 26, 2005.

In light of the foregoing amendments to the claims, reconsideration of the Rejection under 35 USC §103 is courteously requested.

In considering the Response, it is noted that the claims have been amended to require that data being transmitted across a computer network is collected at a collection engine connected to the network service provider. The anonymized identifier is associated with the collected data through the collection engine and the transaction record is separately recorded by the collection engine in a database separate from the network service provider. With respect to the system claims, it is noted that it now calls for a collection engine connected to a network service provider for storing network transaction data associated with the anonymized identifier.

It is respectfully urged that the claimed invention is not obvious in light of the cited references as will become more clearly evident from the following detailed discussion of the references presented herein for the Examiner's kind consideration.

Publication entitled INDEX: A Platform for Determining How People Value the Quality of Their Internet Access by Rupp et al.

The publication entitled INDEX: A Platform for Determining How People Value the Quality of Their Internet Access (hereinafter "Rupp") has been previously cited by the Examiner. The Examiner has asserted that Rupp renders obvious the claimed invention and includes all of the features of the claims except for how the anonymizer identifiers created, and that it does not teach that the transaction record is stored in a database at the network service provider. It is respectfully urged that this not what Rupp teaches.

More specifically, it is only after a hindsight interpretation of Applicant's claimed invention that the Examiner has been able to arrive at the rejection. Rupp clearly states that it is an internet demand experiment which provides a market trial to provide information which service providers can use to understand the structure of user demand. This has nothing to do with collecting anonymized transaction information to allow service providers and merchants to

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improve the marketing of products and services, and tailoring of products and services to meet the requirements of specific customer types. The system of Rupp merely provides access to a group of about 150 users and the users can select network services from a menu of price offerings. It is the users who provide usage feedback from their own computers by displaying a summary of charges for either the current session, the current day, or the current month. A control center application on the user's computer communicates the user's choices at selected quality levels as control data going through a billing gateway through a supervisor. User traffic is monitored and recorded by the billing gateway and this is done through the control center and the billing gateway interacting.

In contrast, Applicants' claimed invention has no control center and requires no interaction with a gateway or the service provider. Instead, as separately called for in the claims, there is provided a collection engine connected to the network service provider which anonymously monitors and collects the traffic in a database separate from the network service provider. Rupp fails to teach or suggest such a collection engine, and the remaining references also fail to supply the missing element.

It is noted that in all cases that Rupp require interaction between the user computer and the gateway. In contrast, Applicants' invention provides for a separate collection engine which collects the data anonymously and does not require input from a user computer to be able to collect and assemble a data and a separate database through the operation of the collection engine connected to the internet service provider.

U.S. Patent No. 5,961,593 to Gabber et al.

U.S. Patent No. 5,961,593 to Gabber et al. (hereinafter "Gabber"), was also previously cited and it is respectfully urged that it again adds nothing to the teachings of Rupp. Moreover, even if adding the concept of an anonymized identifier, which is already present in Rupp, is considered obvious, the combination would still fail to teach or suggest Applicants' claimed invention as now amended in the claims to require a collection engine connected to the network service provider. As such, it is respectfully urged that the combination of Rupp and Gabber fails to render obvious Applicants' claimed invention.

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U.S. Patent No. 5,835,915 to Carr et al.

U.S. Patent No. 5,835,915 to Carr et al. (hereinafter "Carr") merely teaches a remote duplicate database facility having improved throughput and fault tolerance. The facility is located in a local computer system and partially in a remote computer for maintaining virtual synchronization of a backup database with a local database. This adds nothing to the teachings of Rupp and Gabber. More specifically, Carr teaches nothing more than a backup database and has nothing to do with collecting transaction data across a network.

Moreover, even if it is assumed that Carr provides the feature of a separate database, Carr still fails to add anything to the combination of references to render obvious Applicants' invention as now amended to require a collection engine connected to the network service provider to collect the transaction data anonymously and store it in a separate database. Instead, Carr merely teaches a backup of one database into a separate database to make sure that there are complete backup records. As such, the combination of prior discussed references with Carr still fails to render obvious Applicants' claimed invention.

U.S. Patent No. 6,134,441 to Åström et al.

U.S. Patent No. 6,134,441 to Åström et al. (hereinafter "Åström") has nothing to do with Applicant's claimed invention inasmuch as it merely relates to a mobile telecommunications switching network implementation described therein, and merely provides a system which reduces the number of subscriber numbers for mobile stations operating within a mobile telecommunications network. As such, this reference teaches nothing having to do with collecting transaction data in an anonymized manner with a separate collection engine connected to an internet service provider. Thus, even if applied with the other references, the combination still fails to render obvious Applicants' claimed invention.

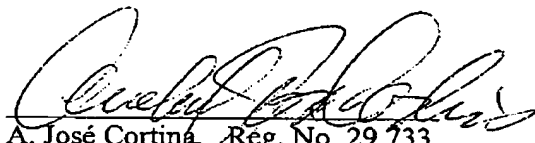
For the foregoing reasons, it is respectfully urged that all the claims clearly define patentable subject matter under 35 USC §103.

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Nonetheless, should the Examiner have any comments, questions, or suggestions of a nature necessary to place expedite prosecution of the application or to place the case in condition for allowance, he is courteously requested to telephone the undersigned at the number listed below.

Dated: September 26, 2005

Respectfully submitted,



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Enclosures

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